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[The names and addresses of additional counsel  
appear on the signature pages.]

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

MARC BERNSTEIN, Individually and on Behalf of  
All Others Similarly Situated,

Plaintiff,

vs.

MP MATERIALS CORP. f/k/a FORTRESS  
VALUE ACQUISITION CORP., JAMES H.  
LITINSKY, RYAN CORBETT, ANDREW A.  
MCKNIGHT, and DANIEL N. BASS,

Defendants.

Case No. 2:22-CV-00315-CDS-DJA

**STIPULATION SETTING  
RESPONSE DEADLINES AND  
BRIEFING SCHEDULE**

**RECITALS**

A. On February 22, 2022, Plaintiff Marc Bernstein filed the above-captioned putative securities class action against Defendants MP Materials Corp., James H. Litinsky, Ryan Corbett, Andrew A. McKnight and Daniel M. Bass, asserting claims under Sections 10(b) and 20(a) of the Securities Exchange Act of 1934 and Rule 10b-5 thereunder;

B. On March 29, 2022, Plaintiff purportedly served Defendant MP Materials Corp. by serving its Delaware agent for service of process, triggering a response date of April 19, 2022 for this Defendant only;

C. Under the Private Securities Litigation Reform Act of 1995 ("PSLRA"), and in particular 15 U.S.C. § 78u-4(b)(3)(B), discovery is stayed until there is a ruling on any motions to dismiss;

1 D. The PSLRA dictates the procedures for the administration of federal securities class  
2 actions (see 15 U.S.C. § 78u-4), including the appointment of a lead plaintiff to act on behalf of the  
3 purported class (see 15 U.S.C. § 78u-4(a)(3)(B)(ii));

4 E. On April 25, 2022, Denis Bourque, Mark Jurkiewicz and Carmelo Zappulla filed  
5 motions to be appointed lead plaintiff (ECF Nos. 12-15);

6 F. On May 9, 2022, Jurkiewicz and Zappulla filed papers conceding that they did not  
7 have the largest financial interest in the relief sought, within the meaning of 15 U.S.C. §78u-  
8 4(a)(3)(B)(iii), and that they did not oppose the motion of Denis Bourque (ECF Nos. 16-17);

9 G. Nobody has opposed the motion of Denis Bourque to be lead plaintiff (ECF No. 20);

10 H. Assuming the Court appoints Denis Bourque lead plaintiff, he plans to amend the  
11 existing complaint;

12 I. The Court's minute order entered May 9, 2022, sets a deadline to respond to the  
13 existing complaint of June 27, 2022, but provides that the parties may move that deadline by  
14 stipulation; and

15 J. Counsel for the existing plaintiff, Marc Bernstein, and the presumptive lead plaintiff,  
16 Denis Bourque, have met and conferred with defense counsel to discuss a mutually agreeable  
17 response deadline and briefing schedule going forward, bearing in mind their respective vacation  
18 plans and other commitments, such as trials in other matters, and have reached agreement on the  
19 schedule proposed below, which they ask this Court to adopt.

20 **STIPULATION**

21 NOW, THEREFORE, Plaintiff Marc Bernstein, presumptive lead plaintiff Denis Bourque and  
22 all Defendants, by and through their undersigned counsel, agree and stipulate that:

23 1. Assuming that the Court designates Denis Bourque as lead plaintiff under 15 U.S.C.  
24 § 78u-4(a)(3)(B) and the Court approves Bourque's selection of Lead Counsel under 15 U.S.C.  
25 § 78u-4(a)(3)(B)(v), Denis Bourque will file and serve his amended complaint no later than Friday,  
26 August 26, 2022;

27 2. Defendants will respond to the operative complaint no later than Friday,  
28 September 30, 2022 and, as is customary in actions under the PSLRA, anticipate moving to dismiss

1 the operative complaint;

2 3. Assuming Defendants move to dismiss the operative complaint, the designated Lead  
3 Plaintiff will file a response no later than Thursday, November 10, 2022, and Defendants will reply to  
4 that response no later than Friday, December 2, 2022, with the hearing on the motion(s) to be set for  
5 a date thereafter convenient for the Court.

6 Dated: June 17, 2022

7 Respectfully submitted,

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14  
15 **ORDER**

16 IT IS SO ORDERED.

17 DATED this 22nd day of June, 2022.

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DANIEL J. ALBREGTS  
21 UNITED STATES MAGISTRATE JUDGE  
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